

WEDNESDAY, APRIL 17, 1991

THIRTY-SIXTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Richard Carruth, Bells United Methodist Church, Bells, Tennessee.

Representative Holt led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Niceley; due to illness.

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 16, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Wednesday, April 17, 1991**: House Bill(s) No(s). 1106, 1092, 1398, 1400, 822, 821, 649, 1226, 1146, 440, 514, 63, 188 and 641.

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We have also set the following bills on the **Regular Calendar** for **Thursday, April 18, 1991**: House Bill(s) No(s). 839, 836, 509, 1008, 469, 956, 1305, 885 and 781; also, House Joint Resolution(s) No(s). 176.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 22, 1991**: House Bill(s) No(s). 1483, 1175, 1373 and 427.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

AGRICULTURE
April 16, 1991

MR. SPEAKER: Your Agriculture Committee reports that we have carefully considered and recommend for passage if amended: House Bill No. 381.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means if amended: House Bill No. 816.

RAY DAVIS, Chair.

Under the rules, House Bill No. 381 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee with amendment(s): House Bill No. 816.

COMMERCE
April 16, 1991

MR. SPEAKER: Your Commerce Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 823 and 1389; for passage if amended: House Bill(s) No(s). 944 and 963.

We further report that the following was/were considered but failed to pass: House Bill(s) No(s). 1033.

RHINEHART, Chair.

Under the rules, House Bill(s) No(s). 823 and 1389; with amendment(s): House Bill(s) No(s). 944 and 963 was/were transmitted to the Calendar and Rules Committee.

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CONSUMER AND EMPLOYEE AFFAIRS
April 16, 1991

MR. SPEAKER: Your Consumer and Employee Affairs Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 21, 699 and 1110; for passage if amended: House Bill(s) No(s). 389 and 1136.

CLARK, Chair.

Under the rules, House Bill(s) No(s). 21, 699 and 1110; with amendment(s): House Bill(s) No(s). 389 and 1136 was/were transmitted to the Calendar and Rules Committee.

EDUCATION
April 16, 1991

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 587, 785 and 787; for passage if amended: House Bill(s) No(s). 786 and 791.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means with amendment(s): House Bill(s) No(s). 849 and 1411.

DAVIDSON, Chair.

Under the rules, House Bill(s) No(s). 587, 785 and 787; with amendment(s): House Bill(s) No(s). 786 and 791 was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred to the Finance, Ways and Means Committee with amendment(s): House Bill(s) No(s). 849 and 1411.

FINANCE, WAYS AND MEANS
April 16, 1991

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 53, 796, 1047, 1192, 1268 and 1429; for passage if amended: House Bill(s) No(s). 537, 558, 559, 763, 774, 882, 1094 and 1361.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 53, 796, 1047, 1192, 1268 and 1429; with amendment(s): House Bill(s) No(s). 537, 558, 559, 763, 774, 882, 1094 and 1361 was/were transmitted to the Calendar and Rules Committee.

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GOVERNMENT OPERATIONS

April 16, 1991

MR. SPEAKER: Your Government Operations Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 39 and 42.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means with amendment(s): House Bill No. 966.

KING, Chair.

Under the rules, with amendment(s): House Bill(s) No(s). 39 and 42 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee with amendment(s): House Bill No. 966.

STATE AND LOCAL GOVERNMENT

April 16, 1991

MR. SPEAKER: Your State and Local Government Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 379, 412, 452, 516, 598, 715, 758, 759, 1201, 1310, 1327 and 1351; for passage if amended: House Bill(s) No(s). 281, 347 and 519.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 912 and 1163; if amended: House Bill(s) No(s). 757, 1005, 1161 and 1406.

LOVE, Chair.

Under the rules, House Bill(s) No(s). 379, 412, 452, 516, 598, 715, 758, 759, 1201, 1310, 1327 and 1351; with amendment(s): House Bill(s) No(s). 281, 347 and 519 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 912 and 1163; with amendment(s): House Bill(s) No(s). 757, 1005, 1161 and 1406.

TRANSPORTATION

April 16, 1991

MR. SPEAKER: Your Transportation Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1317; for passage if amended: House Bill(s) No(s). 312 and 901; for adoption: House Joint Resolution(s) No(s). 185; also, with

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amendment(s): House Joint Resolution(s) No(s). 149 and 157.

ROBB ROBINSON, Chair.

Under the rules, House Bill(s) No(s). 1317; with amendment(s): House Bill(s) No(s). 312 and 901; House Joint Resolution(s) No(s). 185; also, with amendment(s): House Joint Resolution(s) No(s). 149 and 157 was/were transmitted to the Calendar and Rules Committee.

**REPORT OF CHIEF ENGROSSING CLERK
April 16, 1991**

MR SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 103, 479, 531, 618, 658, 1205, 1328, 1375, 1545, 1546, 1551, 1553, 1556, 1566 and 1569; also, House Joint Resolution(s) No(s). 49, 187, 188, 189, 192, 193, 197, 198, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223 and 224; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENROLLED BILLS
April 16, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 232; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
April 16, 1991**

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 232.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 16, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 232; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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**REPORT OF CHIEF ENGROSSING CLERK
April 16, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 232; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
April 16, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 6, 300, 838, 1001, 1256, 1261, 1276, 1394, 1403, 1539 and 1547; also, House Joint Resolution(s) No(s). 148, 166, 167, 168, 170, 171, 172, 173, 174, 175, 180, 181, 182, 183, 184, 195 and 227; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

**ENROLLED BILLS
April 16, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 402, 747, 903, 1360 and 1561; House Resolution(s) No(s). 51, 52 and 53; also, House Joint Resolution(s) No(s). 109, 194, 196, 199, 200 and 262; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
April 16, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 402, 747, 903, 1360 and 1561; House Joint Resolution(s) No(s). 109, 194, 196, 199, 200 and 262; also, House Resolution(s) No(s). 51, 52 and 53.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
April 17, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for

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Monday, April 22, 1991: House Bill(s) No(s). 1066, 935, 181, 182, 461, 554, 1372, 1404, 1441, 1409 and 1222; also, House Joint Resolution(s) No(s). 46, 47 and 85.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 22, 1991:** House Bill(s) No(s). 1436.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

CONSERVATION AND ENVIRONMENT

April 17, 1991

MR. SPEAKER: Your Conservation and Environment Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 125 and 861; for adoption: House Joint Resolution(s) No(s). 238, 239 and 240; for concurrence: Senate Joint Resolution(s) No(s). 117.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1376.

HILLIS, Chair.

Under the rules, House Joint Resolution(s) No(s). 238, 239 and 240; Senate Joint Resolution No. 117; also, with amendments: House Bill(s) No(s). 125 and 861 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1376.

HEALTH AND HUMAN RESOURCES

April 17, 1991

MR. SPEAKER: Your Health and Human Resources Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 926, 986, 1287 and 1304.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 985; if amended: House Bill(s) No(s). 1228 and 1490.

DIXON, Chair.

Under the rules, with amendment(s): House Bill(s) No(s). 926, 986, 1287 and 1304 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance,

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Ways and Means Committee: House Bill(s) No(s). 985; with amendment(s): House Bill(s) No(s). 1228 and 1490.

**JUDICIARY
April 17, 1991**

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 405, 433, 972, 1067, 1068, 1077 and 1078; for passage if amended: House Bill(s) No(s). 532, 662, 805 and 881; for adoption: House Resolution(s) No(s). 39 and House Joint Resolution(s) No(s). 190.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 932, 970 and 1187; if amended: House Bill(s) No(s). 205, 394, 467, 815, 968 and 1422.

BUCK, Chair.

Under the rules, House Bill(s) No(s). 405, 433, 972, 1067, 1068, 1077 and 1078; with amendment(s): House Bill(s) No(s). 532, 662, 805 and 881; House Resolution(s) No(s). 39; also, House Joint Resolution(s) No(s). 190 was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 932, 970 and 1187; also, with amendment(s): House Bill(s) No(s). 205, 394, 467, 815, 968 and 1422.

CONSENT CALENDAR

House Resolution No. 0054 -- Memorials, Recognition and Thanks -- Very Special Art Festival in Memphis.

House Joint Resolution No. 0257 -- Memorials, Recognition and Thanks -- Nancy Bowdle.

House Joint Resolution No. 0258 -- Memorials, Retirement -- Gabrielle M. Hubert.

House Joint Resolution No. 0259 -- Memorials, Death -- Odis Crawford.

House Joint Resolution No. 0261 -- Memorials, Sports -- Henry County High School girls' basketball team.

House Joint Resolution No. 0263 -- Memorials, Personal Achievement -- Lynn Stevenson, Southeastern Conference Academic Honor Roll.

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House Joint Resolution No. 0264 -- Memorials, Sports -- Bill Pack, National High School Sports Hall of Fame.

House Joint Resolution No. 0255 -- Memorials, Death -- Arnold Lester Brown.

Senate Joint Resolution No. 0170 -- Memorials, Death -- Hammond Fowler, Jr.

Senate Joint Resolution No. 0171 -- Memorials, Sports -- Cumberland High School boys' basketball team.

Senate Joint Resolution No. 0172 -- Memorials, Sports -- Cumberland High School girls' basketball team.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1329 -- Pensions and Retirement Benefits -- Authorizes certain sheriffs to participate in TCRS. Amends TCA, Title 8, Ch. 36, Pt. 2.

Further consideration of House Bill No. 1329, previously considered on April 3, 1991, at which time it was reset to the Calendar for April 17, 1991.

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Rep. Head moved that House Bill No. 1329 be reset two weeks to the Calendar for Wednesday, May 1, 1991, which motion prevailed.

***Senate Bill No. 0473 -- Election Laws -- Restricts certain political campaigning. Amends TCA 2-7-111.**

Further consideration of Senate Bill No. 473, previously considered on April 3, 1991, at which time it was substituted for House Bill No. 1414, Amendment No. 1 was withdrawn, Amendment No. 2 was tabled, and the bill was reset to the Calendar for April 17, 1991.

Pursuant to **Rule No. 13**, on motion of Rep. West, Senate Bill No. 473 was set as a special order for Thursday, April 9, 1992.

***House Bill No. 1211 -- Corporations -- Expands use of proceeds of bonds issued by health, educational and housing facility corporations. Amends TCA 48-3-310.**

Further consideration of House Bill No. 1211, previously considered on April 8 and 10, 1991, at which time it was reset to the Calendar for April 17, 1991.

Rep. Williams (Shelby) moved that **House Bill No. 1211** be re-referred to the Calendar and Rules Committee, which motion prevailed.

***House Bill No. 0280 -- Courts, General Sessions -- Increases jurisdiction and compensation of certain general sessions judges. Amends TCA 16-15-5004.**

Further consideration of House Bill No. 280, previously considered on April 8 and 10, 1991, at which time it was reset to the Calendar for April 17, 1991.

Rep. Windle moved that House Bill No. 280 be reset three weeks to the Calendar for Wednesday, May 8, 1991, which motion prevailed.

House Bill No. 1427 -- Fiduciaries -- Revises duties of fiduciaries. Amends TCA 35-50-109, 110.

On motion, House Bill No. 1427 was made to conform with Senate Bill No. 54.

On motion, **Senate Bill No. 54**, on same subject, was substituted for House Bill No. 1427.

Rep. Fowkles moved that **Senate Bill No. 54** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. 94
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1423 -- Civil Procedure -- Permits court to add wrongful death recovery to existing trust. Amends TCA 20-5-106.

On motion, House Bill No. 1423 was made to conform with Senate Bill No. 1015.

On motion, **Senate Bill No. 1015**, on same subject, was substituted for House Bill No. 1423.

Rep. Fowlkes moved that **Senate Bill No. 1015** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 93
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

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House Bill No. 1424 -- Attorneys at Law -- Enumerates powers which may be incorporated by reference into a general power of attorney. Amends TCA, Title 34, Ch. 6.

On motion, House Bill No. 1424 was made to conform with Senate Bill No. 1016.

On motion, **Senate Bill No. 1016**, on same subject, was substituted for House Bill No. 1424.

Rep. Fowlkes moved that **Senate Bill No. 1016** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1425 -- Trusts -- Authorizes trustee to take appropriate action to preclude or minimize imposition of generation-skipping tax; applies to certain trusts. Amends TCA, Title 35, Ch. 50.

On motion, House Bill No. 1425 was made to conform with Senate Bill No. 773.

On motion, **Senate Bill No. 773**, on same subject, was substituted for House Bill No. 1425.

Rep. Fowlkes moved that **Senate Bill No. 773** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***Senate Bill No. 0143** -- Coroners -- Clarifies authority of county medical examiner to permit removal of corneal tissue in certain circumstances. Amends TCA 38-7-106, 68-30-204.

Further consideration of Senate Bill No. 143, previously considered on April 11, 1991, at which time it was substituted for House Bill No. 553 and reset to the Calendar for April 17, 1991.

Rep. Halteman moved that Senate Bill No. 143 be reset one week to the Calendar for Wednesday, April 24, 1991, which motion prevailed.

House Bill No. 1395 -- Health -- Enacts "Memphis Plan Act of 1991". Amends TCA, Title 56.

Further consideration of House Bill No. 1395, previously considered on April 15, 1991, at which time Amendment No. 1 was adopted and the bill, as amended, was reset to the Calendar for April 17, 1991.

Rep. Chumney moved that House Bill No. 1395 be reset to the Calendar for Thursday, April 25, 1991, which motion prevailed.

House Bill No. 1106 -- Children -- Enacts "Family Preservation Act of 1991". Amends TCA, Title 37.

On motion, House Bill No. 1106 was made to conform with Senate Bill No. 224.

On motion, **Senate Bill No. 224**, on same subject, was substituted for House Bill No. 1106.

Rep. Purcell moved that **Senate Bill No. 224** be passed on third and final consideration.

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On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Purcell moved that **Senate Bill No. 224** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Riggsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1092 -- Unclaimed Property -- Requires holder of unclaimed property to give actual or constructive notice of charges or deductions and to file report; revises penalty. Amends TCA, Title 66, Ch. 29, Pt. 1.

On motion, House Bill No. 1092 was made to conform with Senate Bill No. 937.

On motion, **Senate Bill No. 937**, on same subject, was substituted for House Bill No. 1092.

Rep. Purcell moved that **Senate Bill No. 937** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight,

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Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 937 and have this statement entered in the Journal.

Rep. Brenda Turner

REGULAR CALENDAR, CONTINUED

House Bill No. 0822 -- Architects and Engineers -- Provides immunity from negligence actions for engineers and architects offering certain professional services in event of earthquake. Amends TCA, Title 62, Ch. 2.

On motion, House Bill No. 822 was made to conform with Senate Bill No. 577.

On motion, **Senate Bill No. 577**, on same subject, was substituted for House Bill No. 822.

Rep. Byrd moved that **Senate Bill No. 577** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 577 by adding to the amendatory language in subsection (a) of section 1, between the words "structural" and "inspection", the following additional language:

or building systems

AND FURTHER AMEND by adding a new subsection (d) as follows:

(d) Nothing in this section shall be construed as extending immunity to a city or county for whom inspection services, as described herein, are provided.

On motion, Amendment No. 1 was adopted.

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Thereupon, Rep. Byrd moved that **Senate Bill No. 577**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0821 -- Election Laws -- Requires notice of office sought on qualifying petition. Amends TCA, Title 2.

On motion, House Bill No. 821 was made to conform with Senate Bill No. 1021.

On motion, **Senate Bill No. 1021**, on same subject, was substituted for House Bill No. 821.

Rep. Byrd moved that **Senate Bill No. 1021** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Byrd moved that **Senate Bill No. 1021** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King,

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Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Tullos -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to present and not voting on Senate Bill No. 1021 and have this statement entered in the Journal.

Rep. Edna Tullos

REGULAR CALENDAR, CONTINUED

House Bill No. 0649 -- Judicial Officers -- Provides secretarial assistance to certain local judges with court of record jurisdiction. Amends TCA, Title 17, Ch. 1.

Rep. Clark moved that House Bill No. 649 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 649 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

(b) In addition to the judges and chancellors set out in subsection (a), the executive secretary shall provide a salary supplement to an existing secretary to the judge of any court created by private act which is located in a county having a metropolitan form of government and a population in excess of three hundred thousand (300,000) according to the 1980 federal census or any subsequent federal census if the judge of such local court has concurrent criminal and civil jurisdiction with judges of courts of record. The amount of such salary supplement shall be equal to the salary supplement provided a secretary of the circuit court of such county.

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CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

On motion, Amendment No. 1 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Clark moved that House Bill No. 649 as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	7
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McDaniel, McKee, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tulllos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Callicott, Harrill, Haun, Hill, Joyce, Liles, Meyer -- 7.

Representatives present and not voting were: Holcomb -- 1.

A motion to reconsider was tabled.

House Bill No. 1398 -- Utilities, Utility Districts -- Authorizes adoption of utility district purchasing procedures by water and wastewater treatment authorities. Amends TCA 68-13-607.

On motion, House Bill No. 1398 was made to conform with Senate Bill No. 17.

On motion, **Senate Bill No. 17**, on same subject, was substituted for House Bill No. 1398.

Rep. Rhinehart moved that **Senate Bill No. 17** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. 98
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1400 -- Water Resources -- Increases number of times hearing notice for water authority hearings must be published. Amends TCA, Title 68, Ch. 13, Pt. 6.

Rep. Rhinehart moved that House Bill No. 1400 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 98
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 1146 -- Children --** Requires court to make certain findings prior to committing or retaining child in state custody. Amends TCA, Title 37.

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Rep. Purcell moved that House Bill No. 1146 be passed on third and final consideration.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1146 by deleting Sections 1 and 2 in their entirety and by substituting instead the following language:

Section 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) At any proceeding of a juvenile court prior to ordering a child committed to the custody of the Tennessee department of human services or retained within the custody of the Tennessee department of human services, the court shall first determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from his or her family.

(b) In determining whether such reasonable efforts have been made, the court shall formulate written findings of fact in response to each of the following questions:

(1) Is removal of the child from his or her family necessary in order to protect the child, and, if so, what is the specific risk or risks to the child or the family that necessitates removal of the child?

(2) What services have been provided to assist the family and the child so as to prevent removal or reunify the family?

(3) Has the Tennessee department of human services had the opportunity to provide services to the family and the child, and, if not, what are the specific reasons why services could not have been provided?

(4) Have efforts been made to provide services which address the specific needs of the family and the child?

(5) Based on the facts and circumstances of the individual case, does the court conclude:

(A) that reasonable efforts have been made to prevent or eliminate the need for

removal of the child from his or her family?
and

(B) that the continuation of the child's custody with the parent or legal guardian is contrary to the best interests of the child?

(c) Whenever a juvenile court is making the determination required by subsection (a), the Tennessee department of human services shall have the burden of demonstrating that reasonable efforts have been made to prevent or eliminate the need for removal of the child.

(d) Unless emergency removal is necessary, the Tennessee department of human services shall be provided no more than thirty (30) days to investigate and/or offer services to the family and child in cases where the petition is not filed by the department.

(e) As used in this act, "reasonable efforts" shall mean the exercise of reasonable care and diligence by the Tennessee department of human services to provide services related to meeting the needs of the child and the family.

Section 2. This act shall take effect January 1, 1992, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that **House Bill No. 1146**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

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A motion to reconsider was tabled.

***House Bill No. 0440** -- Administrative Procedure -- Clarifies certain accounting system and report requirements for states, counties and municipalities. Amends TCA, Title 5, Ch. 8, Pt. 5, 5-12-108, 5-15-405, 5-21-111, 6-2-101, 6-22-101, 6-35-301, 6-56-201, 7-82-401, 67-5-1902.

Rep. Bragg moved that House Bill No. 440 be passed on third and final consideration.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 440 by deleting from section 4 the phrase "governmental funds" from the end of the first sentence and substituting instead the following:

the following governmental funds: (1) general; (2) highway/public works; (3) general purpose school fund and (4) debt service

FURTHER AMEND by deleting from section 5 the phrase "governmental funds" from the second sentence and substituting instead the following:

the following governmental funds: (1) general; (2) highway/public works; (3) general purpose school fund and (4) debt service

FURTHER AMEND by deleting from section 6 the phrase "governmental funds" from the end of the second sentence and substituting instead the following:

the following governmental funds: (1) general; (2) highway public works; (3) general purpose school fund and (4) debt service

FURTHER AMEND by deleting from section 7 the phrase "governmental funds" from the second sentence and substituting instead the following:

the following governmental funds: (1) general; (2) highway/public works; (3) general purpose school fund and (4) debt service

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FURTHER AMEND by deleting from section 8 the phrase "governmental funds" from the end of the first sentence and substituting instead the phrase "the general fund".

FURTHER AMEND by deleting from section 9 the phrase "governmental funds" from the end of the first sentence and substituting instead the phrase "the general fund".

FURTHER AMEND by deleting from section 10 the phrase "governmental funds" from the end of the first sentence and substituting instead the phrase "the general fund".

FURTHER AMEND by deleting from section 11 the phrase "governmental funds" from the end of the second sentence and substituting instead the phrase "the general fund".

FURTHER AMEND by deleting from section 12 the phrase "for governmental funds" from the end of the first sentence.

On motion, Amendment No. 1 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 440 by deleting Section 12 in its entirety and by substituting instead the following:

Tennessee Code Annotated, Section 7-82-401, is amended by deleting subsection (d) and by substituting instead the following:

Notwithstanding the provisions of any other law to the contrary, the board of commissioners shall cause to be published the proposed annual operating budget, at least ten (10) days before the proposed budget is to be presented to the commissioners for final adoption, in a newspaper of general circulation in the county in which the principal office of the district is located, and shall contain a budgetary comparison. The budgetary comparison shall include comparisons of the proposed budget with the current year and the prior year. The budgetary comparisons shall be by individual fund and shall summarize revenues by category of revenue source. Expenditures shall be summarized by salaries and other costs. The budgetary comparison shall also present beginning and ending fund balances and the number of employee positions.

Tennessee Code Annotated, Section 7-82-401, is further amended by deleting from subsection (e) the words "such annual statement" and by substituting instead the words

"such proposed annual operating budget".

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 3.

Rep. Bragg moved to amend as follows:

Amendment No. 4

Amend House Bill No. 440 by deleting Section 12 in its entirety and renumbering the subsequent sections accordingly.

On motion, Amendment No. 4 was adopted.

Rep. Sipes moved to amend as follows:

Amendment No. 5

Amend House Bill No. 440 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any other provision of the law to the contrary, the department of finance and administration shall release to interested news organizations, within ten (10) days of the date upon which the state's proposed annual operating budget is presented to the general assembly, a budgetary comparison for governmental funds allocated within such proposed budget. The budgetary comparison shall include comparisons of the proposed budget with the current year and the prior year. The budgetary comparisons shall be by individual fund and shall summarize revenues by the state of Tennessee, federal government and other sources. Expenditures shall be summarized by salaries and other costs. The budgetary comparisons shall also present beginning and ending fund balances and the number of employee positions.

Rep. Rhinehart moved that Amendment No. 5 be tabled, which motion failed by the following vote:

Ayes.	44
Noes.	47
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Head, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby),

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King, Kisber, Love, Moore, Odom, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 44.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Copeland, Davis (Cocke), Davis (Knox), Duer, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Joyce, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Napier, Nuber, Peroulas Draper, Rigsby, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 47.

Representatives present and not voting were: Cole -- 1.

Thereupon, Rep. Sipes renewed the motion to adopt Amendment No. 5, which motion failed by the following vote:

Ayes.	44
Noes.	51
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Coffey, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Jackson, Jones U (Shelby), Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Nuber, Peroulas Draper, Rigsby, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 44.

Representatives voting no were: Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Johnson, Jones R (Shelby), Kernell, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 51.

Representatives present and not voting were: Cole, Whitson -- 2.

Thereupon, Rep. Bragg moved that **House Bill No. 440**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross,

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Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**REMARKS
on House Bill No. 440**

It is wrong for the State of Tennessee to require of the cities and counties more than it is willing to ask of itself.

The deficits of Amendment No. 5 place the State in that posture.

Bill Sipes
David Coffey

REGULAR CALENDAR, CONTINUED

***House Bill No. 0514** -- Highways, Roads and Bridges -- Increases minimum distance between scenic highways and junkyards and advertising structures. Amends TCA, Title 54, Ch. 17.

Rep. Bragg moved that House Bill No. 514 be reset one week to the Calendar for Wednesday, April 24, 1991, which motion prevailed.

***House Bill No. 0063** -- Sexual Offenses -- Creates separate offense of rape of child. Amends TCA, Title 39, Ch. 13, Pt. 5.

Rep. Johnson moved that House Bill No. 63 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 63 by deleting Sections 1, 2, 3 and 4 in their entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new, appropriately numbered section:

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Section 39-13-5____. (a) Rape of a child is unlawful sexual penetration of a victim by the defendant or the defendant by a victim accompanied by the following circumstances:

(1) The victim is less than thirteen (13) years of age; and

(2) The defendant causes serious bodily injury to the victim.

(b) Rape of a child is a Class A felony and notwithstanding the provisions of Tennessee Code Annotated, Sections 40-35-111 and 40-35-112, or any other provision of law to the contrary, any person convicted of such offense who is sentenced from within Range I of such felony class shall receive a mandatory minimum sentence of twenty-five (25) years.

Section 2. This act shall take effect on July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

Amend House Bill No. 63 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Johnson moved that **House Bill No. 63**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove,

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Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 63 and have this statement entered in the Journal.

Rep. Lane Curlee

REGULAR CALENDAR, CONTINUED

House Bill No. 0641 -- Hotels and Restaurants -- Requires immediate suspension of permit to operate on discovery of certain misconduct. Amends TCA, Title 68, Ch. 14.

Rep. Dixon moved that House Bill No. 641 be reset one week to the Calendar for Wednesday, April 24, 1991, which motion prevailed.

***House Bill No. 0575** -- Election Laws -- Prohibits certain at large elections from multi-member districts, wards or zones. Amends TCA, Title 2.

Further consideration of House Bill No. 575, previously considered on March 27 and April 8, 1991, at which time Amendment(s) No(s). 1, 2, and 3 were adopted and the bill was reset to the Calendar for April 11, 1991. On April 11 the motion was made to adopt Amendment No. 4, at which time it was reset, as amended, to the Calendar for April 17, 1991.

Rep. Turner (Shelby) moved that House Bill No. 575 be reset to the last available space on the last calendar of 1991, which motion he then withdrew.

Rep. DeBerry moved that House Bill No. 575 be reset to the last calendar day of the 1991 session, which motion prevailed.

***House Bill No. 1226** -- Zoning -- Enacts "Residential Neighborhood Health, Safety, and Welfare Act of 1991". Amends TCA, Title 13, Ch. 7; Titles 39, 68.

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Rep. DeBerry moved that House Bill No. 1226 be passed on third and final consideration.

Rep. Dixon moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1226 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of more than 700,000 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. DeBerry moved that House Bill No. 1226, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	1
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Haley -- 1.

Representatives present and not voting were: Liles -- 1.

A motion to reconsider was tabled.

House Bill No. 0188 -- Dams -- Revises Safe Dams Act to establish liability for maintenance of roadways on certain dams. Amends TCA, Title 69, Ch. 12, Pt. 1.

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On motion, House Bill No. 188 was made to conform with Senate Bill No. 26.

On motion, **Senate Bill No. 26**, on same subject, was substituted for House Bill No. 188.

Rep. Huskey moved that **Senate Bill No. 26** be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Huskey moved that Senate Bill No. 26 be reset one week to the Calendar for Wednesday, April 24, 1991, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 0086 -- Highway Signs --** Palma L. Robinson Memorial Highway, S.R. 354.

Senate Amendment No. 2

AMEND House Joint Resolution No. 86 by adding the following new language immediately before the final resolving clause:

BE IT FURTHER RESOLVED, That the intent of this resolution is to designate the "Representative Palma L. Robinson Memorial Highway" as an additional name only for such highway, and that for the purposes of fire, police and emergency medical services and establishing mailing addresses, the traditional and local designations of such highway, which are State Highway 354 and New Boones Creek Road in Washington County, shall remain in effect.

Rep. Allen moved that the House concur in Senate Amendment(s) No(s). 2, to **House Joint Resolution No. 86**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway,

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Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 0647 -- Pensions and Retirement Benefits -- Revises various provisions of TCRS. Amends TCA, Title 8, Ch. 34, Pt. 1, 8-34-126, 145, 8-35-103, 8-35-222; Title 8, Ch. 36, Pt. 1, 8-36-107--109; Title 8, Ch. 36, Pt. 8; Title 8, Ch. 37, Pt. 1, 8-37-212, 213.

Senate Amendment No. 4

Amend House Bill No. 647 by deleting the new Section 16 in the house engrossed bill added by Council on Pensions and Insurance Amendment #2 and by adding the following new Section to be designated as Section 16 and by redesignating the subsequent Sections accordingly:

Section 16. Tennessee Code Annotated, Title 8, Chapter 36, Part 8, is amended by adding the following new section:

Section 8-36-8____. (a) Notwithstanding any provision of law to the contrary, any person becoming a member of the general assembly after November 1, 1982 and who is in office on March 10, 1991, may continue service in the general assembly without loss or suspension of his retirement allowance, provided such retirement allowance is based on service and salary rendered in a capacity other than that as general assembly member.

(b) Any person first becoming a member of the general assembly after November 1, 1990 shall not be entitled to accrue service credit in the retirement system during any period in which a retirement allowance is paid to such member.

(c) It is the legislative intent that any person first becoming a member of the general assembly after March 10, 1991, can not receive a retirement benefit from the Tennessee Consolidated Retirement System while at the same time serving in the general assembly and any accrued retirement benefit shall be suspended while serving in the general assembly.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 4, to **House Bill No. 647**, which motion failed by the following vote:

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Ayes.	46
Noes.	41
Present and not voting.	9

Representatives voting aye were: Arriola, Bell, Bivens, Bragg, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Haley, Hargrove, Hassell, Hillis, Hubbard, Jackson, Johnson, Jones U (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore, Napier, Odom, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Sipes, Tindell, Turner (Hamilton), West, Whitson, Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 46.

Representatives voting no were: Allen, Anderson, Armstrong, Bittle, Buck, Byrd, Callicott, Chiles, Copeland, Davis (Cocke), Duer, Garrett, Givens, Gunnels, Halteman, Harrill, Haun, Head, Herron, Hill, Holcomb, Holt, Huskey, Jones R (Shelby), Joyce, Knight, Liles, McAfee, McKee, Meyer, Nuber, Peroulas Draper, Pruitt, Robinson (Davidson), Robinson (Washington), Severance, Stamps, Tullis, Turner (Shelby), Walley, Williams (Shelby) -- 41.

Representatives present and not voting were: Chumney, Clark, Coffey, Fowlkes, Rigsby, Rinks, Robinson (Hamilton), Venable, Williams (Union) -- 9.

Thereupon, Rep. Rhinehart moved that the House nonconcur in Senate Amendment(s) No(s). 4, to House Bill No. 647, which motion prevailed.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on the motion to concur in Senate Amendment No. 4 to House Bill No. 647 and have this statement entered in the Journal.

Rep. J. K. Davis

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to concur in Senate Amendment No. 4 to House Bill No. 647 and have this statement entered in the Journal.

Rep. John Mark Windle

MESSAGE CALENDAR, CONTINUED

House Bill No. 1279 -- Aircraft and Airports -- Regulates commercial touring by helicopter in certain counties. Amends TCA, Title 42, Ch. 1.

Senate Amendment No. 4

AMEND House Bill No. 1279 by deleting the number "3" from the amendatory language designated as Section 1 and substituting the number "4"

AND FURTHER AMEND by adding to the end of the language in subdivision (a) of the amendatory language designated as Section 2 the following new language:

"Commercial helicopter touring" does not include temporary helicopter services when such services are provided by charter, are not offered to the general public and are not offered to any person on a regular schedule.

Rep. Huskey moved that the House concur in Senate Amendment(s) No(s). 4, to **House Bill No. 1279**, which motion prevailed by the following vote:

Ayes.	95
Noes.	2
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood -- 95.

Representatives voting no were: Johnson, Mr. Speaker Naifeh -- 2.

Representatives present and not voting were: Winningham -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Napier, House Bill No. 195 was recalled from the Transportation Committee.

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On motion of Rep. Napier, **House Bill No. 195** was withdrawn from the House.

On motion of Rep. Turner (Hamilton), **House Bill No. 1321** was recalled from the Conservation and Environment Committee.

On motion of Rep. Turner (Hamilton), **House Bill No. 1321** was withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, April 18, 1991:

Senate Bill No. 239: Rep. Ridgeway.

Senate Bill No. 278: Rep. Cross.

House Bill No. 332: Rep. King.

RULES SUSPENDED

Rep. Bittle moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 180 out of order, which motion prevailed.

Senate Joint Resolution No. 0180 -- Naming and Designating -- National Crime Victims' Rights Week.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Bittle, the resolution was concurred in.

A motion to reconsider was tabled.

BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. Sipes moved that the Clerk request the return of Senate Bill No. 1459 from the Senate, which motion prevailed.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 63: Rep(s). Rinks as prime sponsor(s).

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House Bill No. 301: Rep(s). Rhinehart as prime sponsor(s).

House Bill No. 510: Rep(s). Allen as prime sponsor(s).

House Bill No. 649: Rep(s). Love as prime sponsor(s).

House Bill No. 743: Rep(s). Herron as prime sponsor(s).

House Bill No. 744: Rep(s). Byrd as prime sponsor(s).

House Bill No. 791: Rep(s). Davis (Cocke) as prime sponsor(s).

House Bill No. 803: Rep(s). Davis (Knox) as prime sponsor(s).

House Bill No. 1228: Rep(s). Herron as prime sponsor(s).

House Bill No. 1310: Rep(s). Walley as prime sponsor(s).

House Bill No. 1435: Rep(s). Ridgeway as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Kernell was removed as sponsor of **House Resolution No. 36**.

On motion, Rep. Kisber was removed as sponsor of **House Bill No. 1458**.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0055 -- Memorials, Sports -- Bolivar Central High School girls' basketball team. by *Walley.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0056 -- Memorials, Death -- John W. (Jack) Robinson. by *Sipes, *McDaniel.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0057 -- Memorials, Congratulations -- Whitney Houston. by *Armstrong.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0260 -- Memorials, Government Officials -- Urges issuance of stamp to honor James K. Polk. by *Napier.

Referred by the Speaker to the State and Local Government Committee.

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House Joint Resolution No. 0265 -- Memorials, Interns -- Cynthia Anita Wells. by *Phillips.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0266 -- Memorials, Sports -- Eugene Parris "Mr. Basketball". by *Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0267 -- Memorials, Congratulations -- First Presbyterian Church of Huntsville. by *Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0268 -- Memorials, Death -- Dr. George Kline. by *Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0271 -- Memorials, Sports -- Scott County Training League girls' basketball team. by *Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0272 -- Memorials, Personal Achievement -- Richard Ormesher. by *Turner B.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0178 -- Memorials, Retirement -- Dr. John Crothers.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0181 -- Memorials, Public Service -- Burton Callicott.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0183 -- Memorials, Sports -- Denmark West High School boys' basketball team.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0184 -- Memorials, Sports -- Gibson County High School girls' basketball team.

Referred by the Speaker to the Calendar and Rules Committee.

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Senate Joint Resolution No. 0185 -- Memorials, Sports --
Bradford High School girls' basketball team.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0193 -- Memorials, Interns --
Patrick Lynn Perry.

Referred by the Speaker to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were introduced and referred as noted:

***Senate Joint Resolution No. 0151** -- Naming and Designating --
James W. Blackburn National Guard Armory, Cleveland.

Referred by the Speaker to the State and Local Government Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1580 -- McMinn County -- Specifies procedures for
county road designations. by *McKee.

Passed first consideration.

House Bill No. 1581 -- Obion -- Revises charter. Repeals
Chapter 22, Private Acts of 1971, as amended. by *Pinion.

Passed first consideration.

House Bill No. 1582 -- Lake County -- Revises manner county road
superintendent appointed. Amends Chapter 262, Private Acts of 1980,
as amended. by *Pinion.

Passed first consideration.

House Bill No. 1583 -- Bristol -- Revises charter. Amends
Chapter 179, Private Acts of 1986, as amended. by *Holcomb.

Passed first consideration.

House Bill No. 1584 -- Brownsville -- Provides new charter.
Repeals Chapter 398, Private Acts of 1943, as amended. by *Crain.

Passed first consideration.

House Bill No. 1585 -- Medina -- Amends charter. Amends Chapter
238 of Acts of 1907, as amended. by *Davis Ray.

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Passed first consideration.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 1586 and 1587, was/were referred to the Delayed Bills Committee.

House Bill No. 1586 -- Telecommunications -- Expands authority of McMinnville relative to telecommunication systems. Amends TCA 6-2-201; Title 9, Ch. 21. by *Rhinehart, *Hillis .

House Bill No. 1587 -- Gas, Petroleum Products, Volatile Oils -- Revises oil and gas well spacing in Clay County. Amends TCA 60-1-106. by *Winningham.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

Senate Bill No. 0077 -- Salaries and Benefits -- Increases fines for violation of certain wage regulations; permits department to inspect employer's records during certain hours. Amends TCA 50-2-103. (*HB 0021).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0443** -- Banks and Financial Institutions -- Expands scope of Reciprocal Banking Act by authorizing trust department acquisitions in certain circumstances. Amends TCA 45-12-103. (HB 0781).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0602** -- Medical Occupations -- Revises physical therapy provisions of Occupational and Physical Therapy Practice Act. Amends TCA, Title 63, Ch. 13, Pts. 1, 3. (HB 1222).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0637** -- Penal and Reformatory Institutions -- Requires yearly inspection on certain correctional institutions holding prisoners of any Tennessee jurisdiction. Amends TCA 41-4-140. (HB 0637).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0644** -- General Assembly -- Prohibits members from being lobbyists. Amends TCA, Title 3. (HB 0385).

Held pending third consideration of companion House Bill.

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***Senate Bill No. 1055** -- Surplus Property -- Allows certain entities to retain profit from resale of surplus property under certain circumstances. Amends TCA, Title 12, Ch. 2, Pt. 4. (HB 1140).

Held pending third consideration of companion House Bill.

Senate Bill No. 1569 -- South Fulton -- Enacts hotel/motel tax. (HB 1574).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

***House Bill No. 1563** -- Coon Dog Laws -- Passed second consideration and Conservation and Environment Committee.

House Bill No. 1567 -- Courts, General Sessions -- Passed second consideration and Judiciary Committee.

REPORTS OF SELECT COMMITTEES

The Clerk announced that the Joint Study Committee on the State's delivery of Alcohol and Drug Prevention and Treatment Services, pursuant to Senate Joint Resolution No. 492 of 1990, has completed its work and submitted its final report, which is on file in the Clerk's office.

The Clerk announced that the Joint Study Committee on AFDC, pursuant to House Joint Resolution No. 207 of 1991, has completed its work and submitted its final report, which is on file in the Clerk's office.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

April 17, 1991

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1575.

REPORT COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

April 17, 1991

MR. SPEAKER: The officers of your Calendar and Rules Committee

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report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Thursday, April 18, 1991**: House Resolution(s) No(s). 55, 56 and 57; House Joint Resolution(s) No(s). 265, 266, 267, 268, 271 and 272; House Bill(s) No(s). 1575; also, Senate Joint Resolution(s) No(s). 178, 181, 183, 184, 185 and 193.

PHILLIPS, Chair.

**ENGROSSED BILLS
April 17, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 255, 257, 258, 259, 261, 263 and 264; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
April 17, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 63, 649, 1146, 1226 and 1400; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
April 17, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 440; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 180; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 127, 178 and 225; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 232, 850 and 1549; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 623; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1459, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 194 and 203; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0194 -- Memorials, Professional and Business Achievement -- National Association of Black Accountants. by *Harper.

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Senate Joint Resolution No. 0203 -- Memorials, Interns -- David W. Stewart. by *Crutchfield.

**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 557; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 402, 747, 903, 1360 and 1561; also, House Joint Resolution(s) No(s). 109, 194, 196, 199, 200 and 262; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 33, 96, 190, 347, 459, 460, 465, 676, 754, 860, 989, 1068, 1110, 1260, 1301, 1314 and 1530; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 17, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 43, 919 and 1482; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0043 -- DUI/DWI Offenses --** Authorizes confiscation of motor vehicles of certain DUI offenders; determines distribution of proceeds. by *Greer, *McNally, *Gilbert, *Person, *Jordan, *Burks.

***Senate Bill No. 0919 -- Hospitals and Health Care Facilities --** Clarifies insurer's duty to request information to pay assigned

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benefits. Same as HB 1364. Amends TCA 68-11-219. by *Montgomery, *Ford.

Senate Bill No. 1482 -- Motor Vehicles, Titling and Registration -- Authorizes issuance of cultural license plates for recreational vehicles. Amends TCA, Title 55, Ch. 4. by *Lawson.

MESSAGE FROM THE SENATE

April 17, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 162; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0162** -- Memorials, Government Officials -- Urges expansion of I-65 from Concord Road exit to Franklin exit. by *Jordan.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 18, 1991.